

Message Text

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ACTION L-03

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TAGS: TSPA, UN, AORG
SUBJECT: OUTER SPACE LEGAL SUBCOMMITTEE: MARCH 22 MEETING

1. SUMMARY: GENERAL DEBATE IN LEGAL SUBCOMMITTEE (LSC)
CONTINUED ON MARCH 22 WITH STATEMENTS FROM CZECHOSLOVAKIA,
INDONESIA, JAPAN, SWEDEN, AND GDR. COLOMBIA AND ECUADOR,
NONMEMBERS OF OSC, RECEIVED PERMISSION FROM CHAIR AND
DELIVERED STATEMENTS ON GEOSTATIONARY ORBITS. END SUMMARY.

2. CZECHOSLOVAKIA (JACHEK) NOTED GOC HAD SIGNED BUT NOT
YET RATIFIED OUTER SPACE TREATY. REGRETTED THAT AGREEMENT
HAD NOT BEEN REACHED ON DRAFT MOON TREATY (TOM), STATING
THAT ISSUE OF NATURAL RESOURCES COULD BE TREATED SEPARATELY
FROM TOM. ON DIRECT BROADCAST BY SATELLITES (DBS),
STRESSED THAT ITU WARC RESULTS SHOWED AGREEMENT HAD BEEN
REACHED ON PRIOR CONSENT WHICH LSC SHOULD FORMULATE INTO
A PRINCIPLE. ON REMOTE SENSING. SUPPORTED USSR/FRENCH
PROPOSAL REQUIRING CONSENT OF SENSED STATE FOR DATA
DISSEMINATION.

3. THE ECUADORIAN REPRESENTATIVE THANKED THE CHAIRMAN
FOR OPPORTUNITY TO PRESENT HIS VIEWS. AS ONE OF THE
COUNTRIES IN EQUINOX ZONE, ECUADOR HAS PARTICULAR INTEREST
IN GEOSTATIONARY ORBIT. REFERRED TO "VOICES
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OF NEOCOLONIALISM" WHICH SAY ECUADOR DOES NOT HAVE
TECHNICAL ABILITY IN SPACE ACTIVITIES. NOTED THAT SAME
TYPE OF STATEMENTS WERE USED IN LAW OF THE SEA CONTEXT, BUT
NONETHELESS ECUADOR'S 200 MILE JURISDICTIONAL LIMIT
HAS NOW BEEN ACCLAIMED. FACT THAT SATELLITES ARE
NOW IN GEOSTATIONARY ORBIT GIVES URGENCY TO NEED FOR
INTERNATIONAL LEGAL REGULATION. ANY DEFINITION OF OUTER

SPACE MUST ACKNOWLEDGE SINGULAR CHARACTER OF GEOSTATIONARY ORBIT. SUCH ORBITS ARE LIMITED NATURAL RESOURCE, WITH FULL SATURATION REACHABLE IN NEAR FUTURE. OTHER SPACE TREATY OF 1967 DOES NOT APPLY TO GEOSTATIONARY ORBITS SINCE THERE IS NO DEFINITION OF OUTER SPACE. THESE ORBITS ARE BEING EXPLOITED NOW ONLY BY SPACE POWERS AND "UNCONTROLLABLE" MULTINATIONAL COMPANIES WHICH DICTATE WHAT DEVELOPING COUNTRIES SHOULD SEE, HEAR, THINK AND BUY. STRESSED NEED FOR PRIOR CONSENT, WHICH TAKES INTO ACCOUNT STATES' SOVEREIGN RIGHTS OVER GEOSTATIONARY ORBITS. DID NOT OBJECT TO TRANSIT FLIGHTS WITH PERMISSION OF STATES OVER WHOSE TERRITORY THESE FLIGHTS PASS, AND IN COMPLIANCE WITH ITU REGULATIONS. REFERRED TO DECEMBER 1976 BOGOTA DECLARATION AND CHARTER OF ECONOMIC RIGHTS AND DUTIES OF STATES.

4. JAPAN (KATO) SUPPLEMENTED MARCH 18 STATEMENT BY ELUCIDATING POSITION ON REMOTE SENSING. NOTED LAST SESSION'S FIVE PRINCIPLES AND THREE COMMON ELEMENTS. STRESSED THAT SENSING ACTIVITY AND DISSEMINATION OF DATA TO THIRD STATES SHOULD BE PERMITTED WITHOUT CONSENT, BUT ADDED THAT SENSED STATE SHOULD RECEIVE DATA AS SOON AS POSSIBLE. RECOGNIZED DESIRABILITY OF SOME ADJUSTMENT TO MEET CONCERNS OF SENSED STATE.

5. COLOMBIAN REPRESENTATIVE SPOKE ONLY TO RESERVE THE RIGHT TO SPEAK AT LATER DATE ON GEOSTATIONARY ORBIT.

6. INDONESIA (MARPAUNG) EMPHASIZED INCLUSION OF COMMON UNCLASSIFIED

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HERITAGE PRINCIPLE IN TOM, NEED TO SAFEGUARD NATURAL RESOURCES, ESTABLISHMENT OF AN INTERNATIONAL REGIME AND EXTENSION OF TOM TO OTHER CELESTIAL BODIES. REFERRED TO OUTER SPACE TREATY'S ARTICLE II. ON DBS, STATED SOVEREIGNTY PRINCIPLE NEED NOT RESTRICT FREE FLOW OF INFORMATION; PROPOSED A CONSENT AND PARTICIPATION PROCEDURE WITH AN UNDEFINED DISPUTE SOLVING MECHANISM. ON REMOTE SENSING, ADVOCATED DISSEMINATION OF DATA ONLY WITH CONSENT OF SENSED STATE TO PREVENT EXPLOITATION OF LDS'S, ON WHOSE BEHALF REMOTE SENSING SHOULD BE CONDUCTED. ON DEFINITION/DELIMITATION, NOTED THAT EXCLUSIVE "FIRST COME FIRST SERVED" USE OF GEOSYNCHRONOUS ORBIT CONSTITUTES EXPROPRIATION AND CANNOT BE TOLERATED. STRESSED IMPORTANCE OF DEFINING OUTER SPACE, ESTABLISHING AND ECONOMIC ZONE IN SPACE, AND ESTABLISHING A LEGAL REGIME ON USE OF GEOSYNCHRONOUS ORBIT GIVING PRIORITY TO EQUATORIAL STATES.

7. SWEDEN (DANIALSSON) DELIVERED USEFUL STATEMENT ON

REMOTE SENSING (TEXT POUCHED L/UNA-STOWE) OF WHICH FOLLOWING ARE HIGHLIGHTS: OSC DELIVERATIONS REQUIRE CLOSER COORDINATION BETWEEN TWO SUBCOMMITTEES. AFTER DEFINING PRE-OPERATIONAL AND OPERATIONAL PHASES, AND REVIEWING SIX-STAGE REMOTE SENSING STRUCTURE AGREED TO BY STSC, HE RECOMMENDED THAT THE REVISED DEFINITIONS OF "PRIMARY DATA" AND "ANALYZED INFORMATION" AGREED TO BY LAST STSC SHOULD ALSO BE ACCEPTED BY AND INCLUDED IN THE LSC'S REPORT. IDENTIFIED SIX PROBLEM AREAS FOR LSC CONSIDERATION IN FORMULATING COMMON ELEMENTS; (1) EXPECTED TIMING OF AN OPERATIONAL SYSTEM; (2) ITS EFFECTS; (3) DATA DISSEMINATION; (4) POSSIBLE IMPLICATIONS OF ANY INTERNATIONAL BODY TRYING TO RESOLVE PROBLEMS RELATED TO OPERATIONAL SYSTEMS; (5) SPECIAL PROBLEMS OF DEVELOPING COUNTRIES; AND (6) CONSEQUENCES OF THE INTRODUCTION OF RELAY SATELLITE SYSTEMS FOR EARTH OBSERVATION DATA ON DATA DISSEMINATION. UNDER ARTICLE I UNCLASSIFIED

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OF OUTER SPACE TREATY, ACQUISITION OF PRIMARY DATA CANNOT BE SUBJECT TO RESTRICTIONS; PRIMARY DATA SHOULD BE AS FREELY AVAILABLE AS POSSIBLE IN ORDER TO INSURE MAXIMUM BENEFIT FOR ALL, PARTICULARLY BEARING IN MIND THAT MORE COUNTRIES--EITHER INDIVIDUALLY OR AS A GROUP--WILL BE SENDING UP SATELLITES IN THE FUTURE. URGED AUGMENTED PROGRAM FOR TRAINING LDC'S IN REMOTE SENSING APPLICATIONS INCLUDING POSSIBLE USE OF INTERNATIONAL CONSULTANTS AND NOTED POSSIBILITY OF ESTABLISHING INTERNATIONAL ORGANIZATION(S) FOR SPECIFIC REMOTE SENSING APPLICATIONS, E.G., GLOBAL AGRICULTURAL PURPOSES OR POLLUTION MONITORING.

8. GDR (LUTHER) SUPPLEMENTED MARCH 16 STATEMENT BY ELUCIDATING REMOTE SENSING POSITION. NOTED STATES' PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES. EMPHASIZED THAT ANY STATE IS FREE TO CONDUCT SENSING ACTIVITIES BUT THAT PRIOR CONSENT FROM SENSED STATE IS NECESSARY BEFORE INFORMATION IS DISSEMINATED TO THIRD STATE. REFERRED TO ARTICLE II OF OUTER SPACE TREATY AS BASIS FOR DISSEMINATING "GLOBAL" INFORMATION TO ALL STATES, BUT OTHER INFORMATION SHOULD BE DISSEMINATED ONLY ON BASIS OF MUTUAL AGREEMENT BETWEEN SENSED AND SENSING STATES, ADDING THAT STSC SHOULD WORK ON DEFINING NATURAL RESOURCES BEFORE LSC PROCEEDS FURTHER IN THIS AREA. YOUNG

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